

## DISTRICT COURT (FIFTH DISTRICT : BEAVER COUNTY) <sup>[1683]</sup>

### PROBATE CASE FILES, 1894-1956.

41 microfilm reels

**DESCRIPTION:** Probate case files from the Fifth District Court in Beaver County primarily involve the probate of estates for deceased persons and guardianship for minors and incompetent persons. Probate is judicial oversight of property in transition. Probate of estates is the process by which a deceased person's property is identified and maintained, his debts and taxes paid, and then remaining property distributed to beneficiaries as specified in a will or as required by law for persons who die intestate (without a will). In guardianship cases probate is the establishment of a guardian for minors or incompetent adults who hold property that needs management. In addition to probate these case files also include name changes and some adoptions.

Utah's Territorial Assembly established original jurisdiction over the probate of estates and the guardianship of incompetent persons with county probate courts in 1852 (An Act in Relation to the Judiciary. Acts, Resolutions, and Memorials passed by the First Annual, and Special Sessions of the Legislative Assembly. Great Salt Lake City, 1852, Brigham H. Young, Printer. pp. 38-48). That jurisdiction transferred to the probate divisions of District Courts when County Probate Courts were abolished at statehood.

The probate process includes three parts. First, a petitioner must file with the court the documents necessary to have the court appoint a representative. Documents relating to this process include wills, petitions, letters of administration, bonds, etc., and a court order appointing an administrator, executor, or guardian. Second, the appointed representative does all that is necessary to manage the property through the period of transition. Documents filed here might include a court order appointing appraisers, notices to creditors, estate inventories, various kinds of financial statements, receipts, bills, and the court-appointed representative's final report. Finally, when all requirements have been met, such as all bills paid or a minor has become of age, the court mandates a final settlement and releases the representative from

any further responsibility.

The Territorial Legislature made provision for formal adoptions in 1884 and assigned jurisdiction to County Probate Courts (Compiled Laws of Utah, vol. II, 1888, part 5, chapter 4). Adoption case files include a formal petition, documents supporting the petition and the court's final decree. In this series adoption case files begin in 1893. Whereas early adoptions were open to the public and sometimes published in the newspaper, adoptions later became private. Most adoption records in this series are closed to public access (see access restrictions note). In addition to probate and adoption, case files this series also include official name changes.

**ARRANGEMENT:** Case files are arranged numerically by case number.

**RESEARCH NOTE:** It appears that many of the earliest case files in the series contain records that originated in either the territorial second district court or the Beaver County probate court. Several of the earliest case files from this series originate prior to 1896 and presumably made their way into this series when final action was eventually taken by the Fifth District Court.

**RELATED RECORDS:** Series 26588 , PROBATE INDEX, contains an index book which can be used to identify the case numbers needed to access these case files. Series 23866 , PROBATE REGISTERS OF ACTION, record the date any action was taken on a case and briefly state what that action was. Series 1053 , PROBATE RECORD BOOKS, more fully document court proceedings as they relate to individual cases.

**CUSTODY HISTORY:** All case files created between 1896 and 1956 were transferred to the Utah State Archives in 2007. For access to case files post-1956 researchers should contact the clerk of the Fifth District Court in Beaver County.

**ACCESS RESTRICTIONS:** Probate proceedings are public records. However adoption records, which are filed throughout the probate case files, require the permission of the Fifth District Court until 100 years have passed.

**PROCESSING NOTE:** This series was archivally processed by Jim Kichas and Emily Gurr in April 2007 as part of a NHPRC grant project designed to preserve the historic records of Utah's Fifth District Courts.

**GAPS IN SERIES:** Cases 67, 99, 110, 129, 154, 168, 174, 188, 197, 201, 203, 223, 238, 248, 283, 346, and 1080 are missing.

**PREFERRED CITATION:** Cite the Utah State Archives and Records Service, the creating

agency name, the series title, and the series number.

## **CONTAINER LIST**

<b>Reel</b>	<b>Description</b>	<b>Dates</b>
1	Case Files: 1 - 14	1894-1899
2	Case Files: 15 - 26	1899-1901
3	Case Files: 27 - 42	1902
4	Case Files: 43 - 63	1902-1908
5	Case Files: 63 - 96	1908-1909
6	Case Files: 97 - 122	1911-1913
7	Case Files: 123 - 155	1913-1914
8	Case Files: 156 - 188	1913-1914
9	Case Files: 189 - 220	1916-1917
10	Case Files: 221 - 240	1917-1921
11	Case Files: 240 - 263	1921
12	Case Files: 264 - 289	1921-1924
13	Case Files: 290 - 311	1924-1925
14	Case Files: 312 - 347	1925-1928
15	Case Files: 348 - 373	1928-1929
16	Case Files: 374 - 397	1929-1931
17	Case Files: 398 - 423	1931-1933
18	Case Files: 424 - 427	1933
19	Case Files: 428 - 449	1933-1935
20	Case Files: 450 - 462	1935
21	Case Files: 463 - 490	1935-1936
22	Case Files: 491 -	1936-1938

<b>Reel</b>	<b>Description</b>	<b>Dates</b>
	527	
23	Case Files: 528 - 1938-1939	
	560	
24	Case Files: 561 - 1940	
	595	
25	Case Files: 596 - 1940-1942	
	629	
26	Case Files: 630 - 1942-1943	
	657	
27	Case Files: 658 - 1943-1944	
	681	
28	Case Files: 681 - 1944-1945	
	709	
29	Case Files: 710 - 1945	
	732	
30	Case Files: 733 - 1946	
	756	
31	Case Files: 757 - 1947	
	793	
32	Case Files: 794 - 1947-1948	
	828	
33	Case Files: 829 - 1948-1949	
	859	
34	Case Files: 860 - 1949	
	891	
35	Case Files: 892 - 1949-1950	
	917-A	
36	Case Files: 918 - 1950-1951	
	946	
37	Case Files: 947 - 1951-1952	
	976	
38	Case Files: 977 - 1952-1954	
	1008	
39	Case Files: 1009 1954-1955	
	- 1049	
40	Case Files: 1050 1955-1956	
	- 1085	
41	Case Files: 1086 1956	
	- 1089	